UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,806	12/29/2000	Min Zhu	16440.4006	5229

34313 7590 07/05/2006

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER	
KANG, PAUL H	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,806	ZHU ET AL.	
	Examiner	Art Unit	
	Paul H. Kang	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 19-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims19-33 of copending Application No. 09/751,424 and claims 19-32 of copending Application No. 09/751,548. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the present invention is the same as the context of the copending applications. All copending applications recite in each respective claims a system for collaboration comprising a web zone, meeting zone, meeting manager, collaborative server and application server.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 19-25, 27-32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quatrano et al. (US Patent No. 6,748,420) in view of Ramanathan et al., U.S. Patent No. 6,011,552.

5. As per claim(s) 19 and 28, Quatrano discloses a system for application sharing in collaborative setting comprising:

a web zone for allowing a plurality of users, each having a respective client computer, to access the scalable system via a global-area network, the web zone having at least one web server, wherein each of the plurality of user's client computers are enabled to access the web zone via a web browser (col. 3, line 65 – col. 5, line 40 and Fig. 3, col. 18, line 58 – col. 20, line 49);

a meeting zone for supporting an on-line conference among the plurality of user via their respective client computers, the meeting zone having a meeting manager, a plurality of

collaboration servers, and a plurality of application server (figs. 3, 8, 9. See also, col. 18, line 58 – col. 20, line 49 and col. 29, line 66 – col. 30, line 46), wherein:

the meeting manager is operable to manage the on-line conference in the meeting zone (See col. 27, lines 34-43);

each collaboration server is operable to host at least a portion of the on-line conference (See col. 29, line 66 – col. 30, line 46); and

each application server is operable to support at least on eservice for the on-line conference (See col. 30, lines 22-35);

wherein the meeting zone allows an application program executing on one of the computers in the on-line conference to be shared with one or more of the other user's client computers in the on-line conference via the web browser of each of the one or more of the other user's client computers (col. 18, line 58 – col. 20, line 49 and col. 29, line 66 – col. 30, line 46).

However, Quatrano does not explicitly teach a system wherein the shared application resides on one of the user's client computers. In the same field of endeavor, Ramanathan teaches a system and method wherein user computer stored application sharing is enabled (See Ramanathan, col. 4, line 66 – col. 5, line 23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the client stored application sharing as taught by Ramanathan into the system of Quatrano for the purpose of reducing data load by enabling collaboration to client stored applications.

6. As per claim 20, Quatrano-Ramanathan teach the claimed invention wherein each collaboration server and each application server comprises a respective logical server (col. 29, line 66 – col. 30, line 46).

7. As per claim 21, Quatrano-Ramanathan teach the claimed invention wherein the meeting zone comprises a process manager for monitoring each logical server (col. 30, lines 22-35).

8. As per claims 22, 29 and 30, Quatrano-Ramanathan teach the claimed invention wherein the meeting zone comprises a zone manager for supporting communication among the logical servers (col. 18, lines 7-15).

9. As per claims 23 and 32, Quatrano-Ramanathan teach the claimed invention wherein the meeting manager is operable to maintain status information for them meeting zone (col. 16, lines 8-31).

10. As per claims 24 and 31, Quatrano-Ramanathan teach the claimed invention wherein the at least one service for the on-line conference comprises one of document viewing, file sharing, video, VOIP, telephony, polling, chat and application sharing (col. 3, line 65 – col. 5, line 40).

11. As per claim 25, Quatrano-Ramanathan teach the claimed invention wherein the meeting manager is operable to manage all of the collaboration servers and the application servers in the meeting zone (col. 29, line 66 – col. 30, line 46).

12. As per claims 27 and 34, Quatrano-Ramanathan teach the claimed invention wherein the meeting zone allows an application program executing on one of the client computers in the on-line conference to be viewed on at least a portion of the other client computers in the on-line conference (col. 29, line 66 – col. 30, line 46).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 26 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Quatrano-Ramanathan in view of Willehadson et al., US Pat. No. 6,327,567.

15. As per claims 26 and 33, Quatrano-Ramanathan teach the invention substantially as claimed. However, Quatrano-Ramanathan does not explicitly teach a collaborative system wherein the meeting manager is operable to determine whether a predetermined number of authorized conference participants has been exceeded.

In the same field of endeavor, Willehadson teaches a conferencing system operable to determine whether a predetermined number of authorized conference participants has been exceeded (Willehadson, col. 1, lines 26-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the capability to determine the number of conference participants, as taught by Willehadson, into the system of Quatrano-Ramanathan for the purpose of controlling and managing the conference.

Response to Arguments

16. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that Quatrano failed to teach client stored application sharing. The new grounds of rejection teaches this feature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***

PAUL H. KANG
PRIMARY PATENT EXAMINER